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IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 253 /2003

UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

PETITIONER: Amar Singh Thakur, s/o Shri Pratap Singh Thakur, aged about 44 years, occupation service, Chief Executive Officer Janpad Panchayat Udaipur, r/o Block Colony Udaipur District Sarguja (C.G.)

Versus

RESPONDENTS:

1. State of Chhattisgarh, through Secretary, Department of Schedule Tribe and Schedule Caste Development, D.K.S., Bhawan Raipur, District Raipur Chhattisgarh
2. Deputy Secretary, Department of Schedule Tribe and Schedule Caste Development, D.K.S., Bhawan Raipur, District Raipur Chhattisgarh
3. Collector Sarguja, District Sarguja (Chhattisgarh)
4. Assistant Commissioner, Tribal Development , Sarguja, District Sarguja (Chhattisgarh)
5. Jila Panchayat , Sarguja Ambikapur , through Chief Executive Officer, Jila Panchayat , Sarguja Ambikapur, District Sarguja (Chhattisgarh)
6. Dev Kumar Gupta, aged about 38 years, Lecturer, Block Education Officer (In Charge) Udaipur, District Sarguja (Chhattisgarh)

1. PARTICULARS OF THE PETITIONER

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2513 of 2003

Petitioner: Amar Singh Thakur

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Sumit Verma, Advocate for the petitioner.

Shri Pankaj Shrivastava, Panel lawyer for the Respondents No.1 to 4.

None for respondents No. 5 and 6.

ORAL ORDER

(8th February, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was working on the post of Chief Executive Officer, Janpad Panchayat Udaipur, District- Surguja. Vide order dated 8.8.2003 (Annexure P/5) he was attached to the office of the Chief Executive Officer, Zila Panchayat – Sarguja (Ambikapur). The present petition impugns the order dated 8.8.2003 on the ground that the petitioner is a regular Chief Executive Officer, as such he cannot be attached to the office of the other Chief Executive Officer, Zila Panchayat.

2. This Court by interim order dated 11.9.2003 stayed the impugned order and allowed the petitioner to continue on the same place of posting, if he was not relieved.

3. Learned counsel for the petitioner submits that by virtue of this court's order dated 11.9.2003, the petitioner has continued on the same old place of posting and the impugned order was never given effect to in respect of the petitioner. The petitioner has been

granted final relief by interim order. The petitioner could not continue at one place forever.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. In the facts and circumstances of the case, it is not necessary to examine validity of the transfer order at this stage. In the facts of the case, the respondents are directed not to insist upon compliance of the impugned transfer order.

5. This petition has become infructuous with the passage of time. Accordingly the petition is dismissed as having become infructuous. However, respondents/authorities are at liberty to pass appropriate order for posting the petitioner in the public interest and administrative exigency, in accordance with law. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur